

Paterson, New Jersey

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

OMNI WASTE SERVICES, INC.

Employer

and

ANGEL PENA

Case 22-RD-1552

Petitioner

and

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL UNION 945

Intervenor

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board has considered challenged ballots in an election held January 7, 2011, and the Administrative Law Judge's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 2 ballots cast for and 0 ballots cast against the Intervenor, with 6 challenged ballots, a sufficient number to affect the results.¹

No exceptions have been filed to the Administrative Law Judge's report within the time provided.² Accordingly, the Board adopts the Administrative Law Judge's findings and

¹ We adopt the Administrative Law Judge's recommendation to sustain the challenges to the ballots of Thomas Gallagher, Jr., Frank Ippolito, John Ott, Stafford Patterson and Angel Pena. Thus, the challenge to the ballot of Luis Gonzalez is not determinative of the election results and will not be opened or counted.

² At the request of the Employer, the due date to file exceptions was extended to July 8, 2011.

recommendations,³ and finds that a certification of representative should be issued.

CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for International Brotherhood of Teamsters, Local Union 945 and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full-time and regular part-time drivers, helpers, mechanics, welders, compactor repairmen, painters, and utility men employed by the Employer at its 507 East 35th Street, Paterson, New Jersey facility; but excluding all office clerical employees, managerial employees, guard and supervisors as defined in the Act.

Dated, Washington, D.C., August 16, 2011

By direction of the Board:

/s/Farah Z. Qureshi

Associate Executive Secretary

³ The Administrative Law Judge recommended that the Regional Director issue a Certification of Representative. Under Sec. 102.69 of the Board's Rules and Regulations, the Board itself has the authority to issue such a certification. Accordingly, the Administrative Law Judge's recommendation that a Certification of Representative be issued by the Regional Director is not adopted, and instead we shall issue the appropriate certification.